

From: John Stracke
 To: Mike Powell
 Date: Wed, Feb 12, 2003 10:23 AM
 Subject: Please don't put an end to line sharing

Please don't lift the line sharing rules. Without them, competition among broadband ISPs would wither away. Today, I have a large number of DSL ISPs to choose from, and I have chosen one which permits me to run my own servers. If my only options were Comcast cable or Verizon DSL, I would not have such an option; I would be reduced to the level of an ISP serf, unable to use any services which my ISP has not approved. (When @Home shut down, and my father was transferred to Comcast's own network, he found that they didn't even permit FTP!)

The ILECs built their networks under the cover of a state-issued monopoly; the Telecommunications Act of 1994 introduced line sharing as a way to rectify that injustice. The ILECs should never be permitted to pretend that they are ordinary competitors.

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/=====\
(John Stracke (jstracke@centive.com |
|Principal Engineer|http://www.centive.com |
|Centive |My opinions are my own. |
|=====|
|"What we have here is a failure to assimilate." --Cool Hand|
|Locutius |
\=====/
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EX PARTE OR LATE FILED

From: BOB GOLDEN-SHARON TUCKER
To: Mike Powell
Date: Wed, Feb 12, 2003 9:24 AM
Subject: une-p

It doesn't matter whether the fcc or the states force the incumbent telecom carriers to allow competitors to use their facilities, it is unconstitutional to give use of another's assets without due process of law. The governments must choose to have either a regulated monopoly or true competition . You cannot have a system where the incumbent is regulated and his competitors take advantage of that regulation. The monopolies exist because those companies had the foresight and ability to build the required infrastructure. If others want to compete, let them build their own infrastructure and not force the incumbent to compete against themselves.
Robert L. Golden

From: Carol Brownell
To: Commissioner Adelstein
Date: Wed, Feb 12, 2003 4:26 PM
Subject: Letter Regarding Changes

Dear Commissioner Adelstein:

I wrote to you awhile back asking that you encourage opening of the local telephone service competition. That was the best thing that has happened in the past 6 years. Consumers, who have been paying entirely too much for services, finally have some real choices when it comes to local and long distance services. The 1996 Telecommunications Act may not be perfect, but after 6 years and intelligent decisions by the FCC Commissioners, the consumers have some options that they never had before. That is a GREAT thing!

Even though SBC, BellSouth, Qwest and Verizon are complaining and whining that these smaller companies are taking away their customers—they are being paid for the use of their lines. The customers are leaving because they finally have a competitive choice. Everyone works very hard to earn a living. To spend double and triple for service from the present-day phone monopolies is criminal. Up until recently, consumers did not have a choice. Now they do. I would hate to see all that undone.

There are many reasons for the huge layoff in jobs, the loss of stock value, and the pressure the telecom monopolies are feeling. Even though the monopolies want everyone to believe it's these local market competitors that are the cause of this--nothing could be further from the truth. If they were giving consumers a good product at a competitive price and good customer service, they would not have ~~the~~ losses they are experiencing. They've been price-gouging customers for years and we, the consumers, are tired of it.

Most of their losses are from mismanagement of funds, top-heavy organizational set-ups, overspending on advertising that doesn't work, overspending on exploring foreign areas for service and just plain greed. Spending tens of millions of dollars a day on TV advertising, celebrities, telemarketers and switch-back bonus checks has not given the monopolies the loyal customers they've wanted. Besides, "Tweety Bird" didn't need \$2 million for that 30-second commercial—he's not even real! After 19 years of doing something that is not working, you'd think they would change their strategies and try to learn what does work for some smaller companies that are succeeding.

There's a downturn in lots of industries now, not just telecom. Maybe it's time for all these industries and companies to take a harder look at where they're wasting money and trim the "fat" and develop more efficient companies, the honest way--and not have to have the rules of the 1996 Telecom Act changed for their benefit. We consumers are happy with having a choice.

Thanks for listening.

Respectfully,

Carol Brownell
Atlanta, GA

From: Carol Frey
To: Carol Frey
Date: Wed, Feb 12, 2003 7:51 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Hutchison
Senator Cornyn
Representative Barton

Message text follows:

Carol Frey
3929 Blue Pond Circle
Fort Worth, TX 76123

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Carol Frey

From: Charles VanDrunen
To: Commissioner Adelstein
Date: Wed, Feb 12, 2003 4:30 PM
Subject: Linesharing

Please keep competition alive. Keep linesharing.

Charles VanDrunen

From: Clifford Mead
To: Clifford Mead
Date: Wed, Feb 12.2003 11:58 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Gregg
Senator Sununu
Representative Bass
Message text follows:

Clifford Mead
9 Kyle Dr.
Salem, NH 03079

February 12,2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service. Deregulation since the break-up of "Ma Bell" has been a disaster for the consumer. We now have 2 separate bills-long distance and local- the sum total of which is drastically higher than before. Look how many times my cable provider has changed hands in the last 4 years- first it was Continental Cablevision, then Media One, then ATT Broadband, now it is becoming Comcast! I rest my case...

Sincerely,

Clifford J. Mead

From: Cynthia Britton
To: Cynthia Britton
Date: Wed, Feb 12, 2003 12:03 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Baucus
Senator Burns
Representative Rehberg

Message text follows:

Cynthia Britton
323 So. 8th St
Laurel, MT 59044

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Cynthia Britton

From: David Van Doorn
To: David Van Doorn
Date: Wed, Feb 12, 2003 1:47 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Lugar
Senator Bayh
Representative Souder
Message text follows:

David Van Doorn
5922 Rolling Hills Dr
Ft. Wayne, IN 46804

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to **support** competition and open access for local phone service.

Sincerely,

David Van Doorn

From: Doris Griffin
To: Doris Griffin
Date: Wed, Feb 12, 2003 11:48 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Dole

Message text follows:

Doris Griffin
295 A. I. Taylor Road
Richlands, NC 28574

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

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Sincerely,

Doris E. Griffin

From: Ed Hoey
To: Mike Powell
Date: Wed, Feb 12, 2003 4:29 PM
Subject: Line Sharing

Sir:

As a DSL user I feel that line sharing is critical to a competitive landscape for the industry.

Please retain this very important aspect of the Telecom Act of '96

Regards
Ed

Do you Yahoo!?

Yahoo! Shopping - Send Flowers for Valentine's Day
<http://shopping.yahoo.com>

From: Ed Hoey
To: Commissioner Adelstein
Date: Wed, Feb 12, 2003 4:27 PM
Subject: Line Sharing

Sir:

As a DSL user I request that you make sure the line sharing provision remains in place

It is the only reason high speed DSL is available to the public

This is a critical issue

Regards
Ed

Do you Yahoo!?
Yahoo! Shopping - Send Flowers for Valentine's Day
<http://shopping.yahoo.com>

From: Edward Sullivan
To: Mike Powell, Kathleen Abernathy, Michael Copps. KM KJMWEB, Commissioner Adelstein
Date: Wed, Feb 12, 2003 8:00 PM
Subject: Line Sharing

Dear Commissioners and Chairman Powell,

Please do not eliminate line-sharing. I have been a Covad DSL customer for almost 3 years and the service is reliable, (1 outage because verizon gave away my pair...the VZ field techs have NO means to test for digital signals on consumer loops), the employees are very responsive and the billing is accurate and dependable.

I can say NONE of this for Verizon.

1. Their service is not reliable. My Verizon service was terminated twice because of personnel errors (TI line and DSL Line...yes in my house...I'm a geek). They also created a party line between my phone line and my neighbors fax line which they refused to troubleshoot because I had dial tone. I have an outstanding issue with the PUC because of this issue...my neighbor's long distance charges went on my bill and Verizon would not give me the credit.
2. Their employees are not courteous. I've had several discussions with no resolution as described above. They are very bureaucratic and have very little interest in helping their customers. I should not have to go to a third party(PUC) to resolve a billing issue. A tech once showed up at my house intoxicated and passed out on my lawn. (Fall of 2000...day strike was announced...he must have been celebrating)
3. Billing system is a MESS. Many examples...too numerous to list

My other less than adequate broadband options are as follows:

1. Cable (RCN or Comcast). In addition to Covad, I have had Comcast and RCN. The quality of service is very poor. The bandwidth is variable, the systems are prone to outages, and the latency is less than adequate during peak times. RCN has very nice customer focused employees, but Comcast's employees are neither.
2. Satellite. Latent. Shooting signals into space does horrible things to round trip ping times and trace routes. Not very useful for heavy peer to peer applications.
3. Verizon DSL. My stomach aches thinking of being forced to deal with them for DSL.

I don't want to deal with Verizon for DSL. DSL is a great product...I love Covad. Please please please don't make me deal with Verizon. Keep line sharing!!!

Sincerely,

Edward Sullivan

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I don't want to deal with Verizon for DSL. DSL is a great product...I love Covad. Please please please don't make me deal with Verizon. Keep line sharing!!!

Sincerely,

Edward Sullivan

From: Frank Palma
To: Frank Palma
Date: Wed, Feb 12, 2003 4:30 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Levin
Senator Stabenow
Representative Ehlers
Message text follows:

Frank Palma
12764 So. M-43
Delton, MI 49046

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Frank Palma

From: George Galante
To: George Galante
Date: Wed, Feb 12, 2003 10:52 AM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Reed
Senator Chafee
Representative Langevin
Message text follows:

George Galante
2 Regency Plaza, Apt. 312W
Providence, RI 02903-3160

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service. TTHIS MUST NOT HAPPEN!!!

Millions of Americans like me could have their phone service threatened if the local phone companies arent required to allow competitors access to the market. Im also concerned about the Commissions move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

George L. Galante

From: George Issa
To: Commissioner Adelstein
Date: Wed, Feb 12, 2003 10:01 AM
Subject: Comments to the Commissioner

George Issa (gissa@rcn.com) writes:

Hello Commissioner Adelstein,
As a commissioner, I hope you already realize this.

Line sharing must stay. When a Bell offers **DSL** to a customer, they advertise the benefits of line sharing (ie. **use** of existing phone line, up and running in 2 weeks or **less** and no need to be home during installation).

Why shouldn't a competitor, who uses a CLEC that offer them better margins than the bells, not be able to use the high frequency portion of the loop? The **Bells** do not do anything with them otherwise. CLEC's pay a fair price, determined by the PUC's, for leasing the high frequency portion of the loops. This is free money for the Bells. They don't have to do anything except for regular maintaince of the line that would have been done regardless.

Also, access to so-called hybrid lines has to be granted to the CLEC's. If not, then within 2 years every house in the USA will be wired with 40 feet of fiber from a remote terminal to the house.

As a 21 year old believer in competition and in the USA, do what is right for the American people, not for big business! I beg of you!

George Issa
69 Central Ave
Hyde Park, Ma 02136

Server protocol: HTTP/1.1
Remote host: 208.204.155.241
Remote IP address: 208.204.155.241

From: George K Issa
To: Mike Powell
Date: Wed, Feb 12, 2003 4:26 PM
Subject: Triennial Review - Keep Line Sharing!

Hello,
My name is George Issa and I am a Junior at Northeastern University in Boston, Ma where I study Finance and MIS.

I am very concerned about line sharing and what is being done at the federal level to preserve it.

One, the Bells all push the benefits of line sharing when they advertise their DSL products (i.e short install times, same line, and no need to be home for installation). I think it would be extremely unfair for a data CLEC not to be given this right as well. CLEC's who use line sharing are paying for each line. This is almost like free money for the Bells. They do not pay anything to have a CLEC rent the high frequency portion of the loop; just for basic maintainance that would be completed regardless if the high frequency was being used.

Also, if UNE-P is abolished over time or with certain guidelines (which I agree with), once a CLEC becomes facilities-based, not only will they have to buy new switches/ATM's/DSLAM's, but also pay huge upfront costs for providing an unnecessary copper line to a customers house. A cost that will most likely be turned to the customer.

As a person who loves competition and America, please do everything in your power to keep line sharing where it is today. Do not let the big business/ money influence who the government works for; the typical hard-working American.

Thank you,
George K Issa
617.201.0207 - Cell
617.364.7545 -Home

From: George K Issa
To: Kathleen Abernathy, Michael Copps, KM KJMWEB, Commissioner Adelstein
Date: Wed, Feb 12, 2003 4:27 PM
Subject: Triennial Review - Keep Line Sharing! This From a College Student!

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As a person who loves competition and America, please do everything in your power to keep line sharing where it is today. Do not let the big business / money influence who the government works for; the typical hard-working American. Remember that Martin!

Thank you,
George K Issa
617.201.0207 - Cell
617.364.7545 - Home

From: George Melendez
To: Commissioner Adelstein
Date: Wed, Feb 12, 2003 4:28 PM
Subject: Comments to the Commissioner

George Melendez (hgmelendez@msn.com) writes:

Commissioner,

I would like to hear the ILEC's response to the following question; If the prices are so lucrative for the competition to piggyback on the ILEC network why isn't there more competition between the ILEC's?

All I ever hear is that they are subsidizing the competition but I never hear about competition between the ILEC's. Is there collusion between the ILEC's to crush the competition?

As a Commissioner on the Board of the FCC it is your job to make sure that there is competition and that you get to the bottom of why there is no competition between the ILEC's.

Thank you,
George Melendez

Server protocol: HTTP/1.1
Remote host: 216.99.224.6
Remote IP address: 216.99.224.6

From: Gordon Bagg
To: Gordon Bagg
Date: Wed, Feb 12, 2003 4:27 PM
Subject: Proposed FCC Changes Cost Consumers

Message sent to the following recipients:

Senator Schumer
Senator Clinton
Representative Reynolds
Message text follows:

Gordon Bagg
305 Fredericka St.
N. Tonawanda, NY 14120

February 12, 2003

[recipient address was inserted here]

[recipient name was inserted here],

The Federal Communications Commission is considering taking actions that will restrict consumer choice by deregulating local phone service.

Millions of Americans like me could have their phone service threatened if the local phone companies aren't required to allow competitors access to the market. I'm also concerned about the Commission's move to relieve all broadband Internet access facilities of open access obligations.

Both of these key decisions will limit my choices as a consumer by lessening competition, diminishing cost savings and threatening consumer protections. As a constituent, I urge you to support competition and open access for local phone service.

Sincerely,

Gordon Bagg

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To: Gordon Bagg
Date: Wed, Feb 12, 2003 4:28 PM
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[recipient address was inserted here]

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Sincerely,

Gordon Bagg

From: Greg Sidak
Date: Wed, Feb 12, 2003 10:44 AM
Subject: Mandatory Unbundling, UNE-P, and the Cost of Equity: Does TELRIC Pricing

http://papers.ssrn.com/sol3/delivery.cfm/SSRN_ID374221_code030207500.pdf?abstractid=374221

The following forthcoming article is now posted on the Social Science Research Network:

Mandatory Unbundling, UNE-P, and the Cost of Equity: Does TELRIC Pricing Increase Risk for Incumbent Local Exchange Carriers?

J. GREGORY SIDAK
American Enterprise Institute (AEI)
ALLAN T. INGRAHAM
Criterion Auctions, L.L.C.

Yale Journal on Regulation, forthcoming 2003

Abstract:

The Telecommunications Act of 1996 sought to improve competition through facilities-based investment. Thomas Jorde, Gregory Sidak, and David Teece hypothesized in 1999 that mandatory unbundling at TELRIC (total element long-run incremental cost) prices would increase the equity costs of incumbent local exchange carriers (ILECs) and reduce their investment incentives by subjecting them to increased risk during economic recession. In particular, competitive local exchange carriers (CLECs) are more likely to lease unbundled network elements (UNEs) when demand for telecommunications services is weak, because low prices for those services cannot support the high sunk costs of facilities-based investment in the short-term. Alternatively, when demand for telecommunications services is strong, higher prices for those services will afford a CLEC additional revenue to build out its network. Because TELRIC prices are not compensatory in economic terms, ILEC returns will suffer in times of recession and improve during an expansion.

We empirically test the Jorde-Sidak-Teece hypothesis. We find that the ILECs' betas increased positively and statistically during the recession that began in March 2001. Consequently, their equity costs rose by between 0.4 percentage points and 4.1 percentage points, which reduced their incentives to invest in their own networks. This result is consistent with the Jorde-Sidak-Teece hypothesis.

Recent stock market events also appear consistent with the Jorde-Sidak-Teece hypothesis. On January 6, 2003, a front-page story in the Wall Street Journal speculated that the FCC would revise its rules on mandatory unbundling at TELRIC prices in a manner that would benefit the ILECs. Specifically, the report implied that CLECs would lose the opportunity to lease all network elements as an "unbundled network element platform," better known as UNE-P. The report was significant because UNE-P had become an entry strategy for CLECs that rested on regulatory arbitrage: UNE-P is functionally equivalent to resale, yet it is more favorably priced for the CLECs than is resale. The practical effect of ending the pricing arbitrage created by UNE-P would be to force CLECs to pay resale prices or resort to an entire or partial

facilities-based business model for providing local telephony. Put differently, UNE-P would not disappear; it would simply be priced by arms-length negotiation between ILECs and CLECs rather than by a regulatory commission.

The abnormal returns of telecommunications equipment manufacturers on January 6, 2003 are highly probative of whether mandatory unbundling at TELRIC prices epitomized in its most extreme form by UNE-P is thought by the capital markets to increase or decrease investment in the network infrastructure required for local telephony. We find that the positive returns for the telecommunications equipment manufacturers exceeded by approximately 5 percent the return that the market could explain. If mandatory unbundling of network elements at TELRIC prices actually encouraged investment in local telecommunications infrastructure, then the abnormal returns to the telecommunications equipment manufacturers would have been negative on January 6, 2003. Instead, the positive abnormal returns to JDS Uniphase, Lucent, Nortel, and Tellabs reflected an expectation of the capital markets that these firms would have increased net cash flows, which would result from greater (not lesser) sales of telecommunications equipment.

J. Gregory Sidak
F.K. Weyerhaeuser Fellow in Law and Economics Emeritus
American Enterprise Institute
1150 Seventeenth Street, N.W.
Washington, D.C. 20036
United States of America
(202) 862-5892 phone
(202) 862-7177 fax
jgsidak@aei.org or jgsidak@aol.com

You can access my abstracts/papers on the Social Science Research Network (SSRN) through the following URL <http://papers.ssrn.com/author=206474>

From: Hamilton. John
To: Mike Powell
Date: Wed, Feb 12, 2003 8:00 PM
Subject: Line sharing

Dear Commissioner,

Please consider keeping copper line sharing as it is currently structured. To include freedom from reclassification as data or arbitrary bandwidth limitations.

A bill that eliminates line sharing or raises the cost of such will certainly lead to **less** choice and competition. It will ultimately result in higher prices for consumers and small business for broadband services.

This is the lesson learned in the just the last two years when after years of bad faith efforts by the Bells, competition finally started to show itself. Prices finally started to come down and alternatives became available. You that are attorneys know that the preponderance of prior experience with the Bells teaches you that they come into your court with "unclean hands".

If you must compromise then let them drive the "new technology" and the "new investment" in the fiber infrastructure that will be required in the future. It is the only honest and tangible forward test of whether the Bells are sincere with regard to all of the capital spending arguments and job related issues that they have put before you. Please do not cede to them control over the copper assets that they have **so** effectively denied to others. It would slow the penetration of broadband services which for the first time is

accelerating while offering real alternative providers.

Thank You

John C. Hamilton

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